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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,270

02/17/2004

Michael S. Bender

5681-76100

2233

35690

7590

07/18/2007

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

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AUSTIN, TX 78767-0398

EXAMINER

FARROKH, HASHEM

ART UNIT

PAPER NUMBER

2187

MAIL DATE

DELIVERY MODE

07/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/780,270</p>	<p><b>Applicant(s)</b> BENDER ET AL.</p>	
	<p><b>Examiner</b> Hashem Farrokh</p>	<p><b>Art Unit</b> 2187</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attached Sheets.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*The Applicants Remarks are carefully considered but not persuasive. In regard to rejection of claim 1 the Applicant states:*

"However, beyond disclosing the presence of mass storage devices 80 within the system, Billington provides no details whatsoever regarding the operation of such devices with relation to either thin client 12 or processor 14. The Examiner's assertions are merely assumptions regarding how Billington's system might operate that are unsupported by any positive disclosure within the Billington reference itself..." (Page 3 of Remarks).

"Applicants note that claim 1 does not merely recite that data is stored to a mass storage device locally coupled to a stateless client. It requires that the mass storage device be accessible by a user via a server, and further requires that the server be configured to store data to the mass storage device via the stateless client in response to the user's interaction with an application executed by the server. As noted above and as acknowledged by the Examiner, Billington is silent regarding how data is stored to mass storage device 80..." (Page 3 of Remarks).

*Billington teaches a thin or stateless client that provides power and data connectivity between a server or computer (e.g., PC) and Various peripheral devices including mass storage devices. The user uses the thin client device to access the peripheral devices via the server. In the Final Office Action mailed 4/3/07, the Examiner made a reference to Fig. 11 of Billington that shows how the thin client device is connected or coupled to various peripheral devices including the mass storage 80 and the processor 14. In Fig. 12 Billington a network of thin client and peripheral devices are coupled to a processor.*

"Moreover, in a further detailed aspect of the invention, a hard-wire or wireless thin client network is facilitated by use of a peripheral concurrency device in data transmission-enabling contact with the processor; and which, when combined with hardware/software at the server, such as a PCI card, facilitates concurrent use of the resources of one powerful PC by multiple users at thin clients." (Column 5, lines 50-57 of Billington; *emphasis added*).

"Turning to FIG. 11, in one embodiment the invention is helpful in configuring the system 10 in implementation of a hard-wired or wireless network where the peripheral

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12 can comprise a thin client device connectable to user interface devices, for example a monitor 74, keyboard 76, mouse 78, and to a data storage drive 80 such as a floppy, zip drive, CD-RW, etc. Power and data connections to a wireless communication device 82 or 84 enable connection to a processor 14 comprising a PC or server likewise equipped with a wireless communication device, or directly to the Internet or another network 21. The processor is connected to other thin clients via wireless or wired connections, and can be connected to a further network 21." (Column 13, lines 19-31 of Billington; emphasis added).

"As an examples of possible combinations in such a system 87 at a first user location 96 the thin client device 92 is bundled with one or more bays 100 with power and data ports to enable various additional devices 36 to be connected, including CD, DVD, or other drives, a USB or Firewire hub to connect cameras, audio players, game consoles, or further computing devices, etc. as described above, a monitor 102 which can be a television, a digital video recording device 104 such as a TiVo device, or an internet device such as Web TV, and a hardwired or wireless keyboard console 106 which itself can comprise bays for further devices, add-on modules, or simply incorporate them, for example a USB Hub 108, and a DVD-R/RW or CD-R/RW drive 110. Other devices such as a joystick or pointer 107 can be incorporated in the system at this user location, and, as will be appreciated, this location supports entertainment, gaming, web browsing, etc. and further digital audio, gaming, and other entertainment enhancing devices are natural potential add-ons. As will be appreciated, the location also supports more conventional computing functions as well, and the resources of the network 87 are made available here." (Column 14, lines 41-62 of Billington; emphasis added).

"It will be appreciated that the leveraging of connectivity enabled by this embodiment can be very useful. For example, an image capture device such as a digital video camera, a further mass storage device (not shown), and two or more additional devices (depending on how many ports are incorporated in the hub) can be connected simultaneously. In this example, digital video data can be transferred to the processor, to the connected mass storage device, to the printer to print out a still image, etc. The connection can to the printer and mass storage can be via the processor or peer-to-peer, depending on the particulars of the devices connected." (Column 11, lines 28-39 of Billington; emphasis added).

*Billington teaches the thin client or stateless devices, which provides connectivity and interface to various peripheral devices including mass storage devices. The thin client enables a user to use all hardware/software component facilitated by the computer or server. The resources include mass storage devices and use of mass storage device is inherently for storing data to and reading data from it. In addition,*

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*transferring data to the mass storage device is the same as storing the data to the mass storage device as recited in the claim. In summary, the Examiner believes that Billington directly or inherently anticipates all the limitations recited in the claim 1. In regard to rejections of dependent claims, the Applicant does make any specific arguments except that since Billington does not teach or support all limitations or features of the independent claims, at least for that reason the rejection of the dependent claims are unsupported. However, as shown above and in the Final Office Action Billington anticipates the invention therefore the examiner maintains his position.*

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2007-07-10

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7/17/07